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10/593,095	09/15/2006	Thomas Werner	1004501-000859	7834

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EXAMINER
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CERVETTI, DAVID GARCIA

ART UNIT	PAPER NUMBER
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2436

NOTIFICATION DATE	DELIVERY MODE
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04/26/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/593,095	<b>Applicant(s)</b> WERNER ET AL.	
	<b>Examiner</b> David García Cervetti	<b>Art Unit</b> 2436	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's amendment filed 2/14/2011 has been fully considered.
2. Claims 1-10 are pending and have been examined. Claims 11-12 have been canceled.

### ***Response to Amendment***

3. Applicant's arguments with respect to the prior art have been considered but are moot in view of the new ground(s) of rejection.

### ***Double Patenting***

4. Claims 1-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of copending application 10593094, claims 1-9 of copending application 10592865, claims 1-32 of copending application 10590028, and claims 1-14 of copending application 11984040.

Although the conflicting claims are not identical, they are not patentably distinct from each other because

- "A method that validates a consistency of attributes of entities modeling a physical asset of a utility, said entities are stored in respective data sets of a multitude of different IT systems of the utility, wherein said entities are assigned to entity types, holding a list of available attributes, wherein a consistency service includes an input buffer in which an entity to be validated for consistency of attributes of the entity can be placed, output means in which the result of the consistency validation can be stored and communication means to communicate with the different IT systems,

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wherein an adapter for each of the IT systems allows communication between the consistency service and the IT systems, and wherein a reference storage holds references to the entities in the respective data sets of the various IT systems such that a specific entity in a specific IT system can be addressed through the adapter of the specific IT system and based on such a reference stored in the reference storage, said method comprising the following steps: loading the entity to be validated for consistency of attributes of the entity into the buffer of the consistency service, wherein the physical asset carries the attributes of the entity reading values of the attributes of the entity through the adapter of an IT system, comparing, in the consistency service, the values of the attributes of the entity to values of reference attributes stored in the consistency service, and storing consistency validating information in the output means, said consistency validating information depending on the results of the comparison of the values of the attributes to the values of the reference attributes, wherein the different IT systems include any combination of a supervisory control and data acquisition system, a computerized maintenance management system, and a geographic information system” (claim 1, instant application) is analogous to

- “Method for validating consistency of entities stored in data sets of a multitude of different IT systems, whereas a consistency service comprises an input buffer in which an entity to be validated for

consistency can be placed, output means in which the result of the consistency validation can be stored and communication means to communicate with the different IT systems, whereas an adapter for each of the IT systems allows communication between the consistency service and the IT systems, such that a signal sent by the consistency service to verify the existence of a specific data set of an IT system can be sent back to the consistency service if that specific data set exists, and whereas a storage device holds references to the entity in the data sets of the various IT systems such that the entity in a specific IT system can be addressed, said method comprising the following steps: loading the entity to be validated for consistency into the buffer of the consistency service, the consistency service sending a signal to verify the existence of a specific data set of an IT system to the IT system holding the entity to be validated for consistency, storing a consistency validating information in the output means, said consistency validating information depending on the signal being sent back to the consistency service”

(claim 1, copending application 10593094) and analogous to

- “A method for ensuring consistency of attributes of entities modeling a physical asset of a utility, the entities being stored in data sets of a multitude of different IT systems of the utility, wherein an attribute consistency service comprises: an input buffer to place an entity for whose attributes consistency needs to be ensured; output means to store

the result of the consistency validation; and communication means to communicate with the different IT systems, wherein a respective adapter for each one of the IT systems allows communication between the attribute consistency service and the IT systems to enable a signal sent by the consistency service to verify the existence of a specific data set of an IT system to be sent back to the consistency service if that specific data set exists, and wherein an entity reference database holds references to the entities in the data sets of the various IT systems such that a specific entity in a specific IT system is addressable through the adapter of the specific IT system and based on such a reference stored in the entity reference database, said method comprising the following steps: loading the entity, for whose attributes consistency needs to be ensured, into the buffer of the consistency service; reading the values of the attributes of the entity through the adapters of the various IT systems; checking consistency of the attributes of the entity by comparing the values of the attributes read from the various IT systems; and if any of the attributes of the entity are found to be inconsistent, restoring consistency of the attributes of the entity by overwriting the values of the attributes stored in the data sets of the various IT systems with a master attribute value, said master attribute value being determined according to a predefined algorithm” (claim 1, copending application 10592865) and analogous to

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- "A method for retrieving and accessing data stored in a plurality of systems arranged for operating part of one or more electrical power networks, the method comprising: providing the systems with user standard interfaces having standard object-oriented navigation and selection, and input and display methods, providing the interfaces with context sensitive navigation functions that indicate which system is active, providing a virtual asset register comprising elements of the systems, the virtual asset register comprising a model for exchange of data between the systems, a mechanism for data consistency in data exchange between the systems, and cross-reference and mapping of relationships of the elements of the systems, wherein similar elements in different systems are consistently represented in the virtual asset register, adding a new object and data related to the new object into a first system, adding a copy of the new object into a plurality of relevant systems, registering the new object in the virtual asset register, creating the new object in each relevant system based on object templates, establishing automatically a connection between said relevant systems and the new object, replicating data related to the new object from the new object to other systems and relevant systems, establishing a consistency of accessed or retrieved data in the new object and relevant systems checking a consistency of attributes of the accessed or retrieved data utilizing the virtual asset register by identifying at least one of the

new or a given object or copies of the new or a given object and comparing attributes of all copies of the same new or given object, requesting data relating to a target object included in one of the systems, identifying relevant systems including data relating to the target object, and retrieving the data regarding the target object from identified relevant systems utilizing the standard interfaces” (claim 1, copending application 10590028) and analogous to

- “A method of maintaining data consistency among different integrated local applications of an automation solution for a utility, the utility comprising a number of physical assets, wherein the automation solution comprising: a global data access service including global objects within a global data model; and the different integrated local applications, wherein each of the different integrated local applications is within a corresponding local data model and includes respective local objects, wherein a first local application and a second local application having respective first local objects and second local objects are included among the different integrated local applications, wherein at least some of the local objects of the integrated local applications are related, wherein the first local objects of the first local application are related to the second local objects of the second local application, wherein related local objects among the local objects of the different integrated local applications are referenced via the global objects within the global data



model, and wherein the automation solution comprises, for each of the integrated local applications, a corresponding adapter for translating between the local data model of the local application and the global data model, and wherein the method comprises: in the absence of any change to a local object among the local objects or to a status of a local application among the local applications or the corresponding adapter, assuming the local objects to be consistently representing physical assets of the utility; in the case of a change to a local object among the local objects or to a status of a local application among the local applications or the corresponding adapter, invalidating any global object among the global objects referencing to said local object or to all the local objects of said local application; and for each of the invalidated global objects, restoring data consistency among all referenced local objects”(claim 1, copending application 11984040).

5. This is a provisional obviousness-type double patenting rejection because the conflicting claims of the instant application have not in fact been patented.

6. Claims 1-5 of copending application 10593094, claims 1-9 of copending application 10592865, claims 1-32 of copending application 10590028, and claims 1-14 of copending application 11984040 contain every element of claims 1-10 of the instant application and thus anticipate the claims of the instant application. Claims 1-10 of the instant application therefore are not patently distinct from the copending application claims and as such are unpatentable for obvious-type double patenting. A later

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patent/application claim is not patentably distinct from an earlier claim if the later claim is anticipated by the earlier claim.

7. “A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species with that genus). “ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

8. “Claim 12 and Claim 13 are generic to the species of invention covered by claim 3 of the patent. Thus, the generic invention is “anticipated” by the species of the patented invention. Cf., Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985) (holding that an earlier species disclosure in the prior art defeats any generic claim) 4. This court’s predecessor has held that, without a terminal disclaimer, the species claims preclude issuance of the generic claim. In re Van Ornum, 686 F.2d 937, 944, 214 USPQ 761, 767 (CCPA 1982); Schneller, 397 F.2d at 354. Accordingly, absent a terminal disclaimer, claims 12 and 13 were properly rejected under the doctrine of obviousness-type double patenting.” (In re Goodman (CA FC) 29 USPQ2d 2010 (12/3/1993).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**10. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Srinivasa (2003/0233385).**

**Regarding claims 1 and 8, Srinivasa teaches**

A method that validates a consistency of attributes of entities modeling a physical asset of a utility, said entities are stored in respective data sets of a multitude of different IT systems of the utility (abstract, configuration manager ensures consistency of configuration of network devices),

wherein said entities are assigned to entity types, holding a list of available attributes (par.13),

wherein a consistency service includes an input buffer in which an entity to be validated for consistency of attributes of the entity can be placed, output means in which the result of the consistency validation can be stored and communication means to communicate with the different IT systems (par.8-12),

wherein an adapter for each of the IT systems allows communication between the consistency service and the IT systems (par.11-12), and

wherein a reference storage holds references to the entities in the respective data sets of the various IT systems such that a specific entity in a specific IT system can

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be addressed through the adapter of the specific IT system and based on such a reference stored in the reference storage (par.10-12),

said method comprising the following steps:

loading the entity to be validated for consistency of attributes of the entity into the buffer of the consistency service, wherein the physical asset carries the attributes of the entity reading values of the attributes of the entity through the adapter of an IT system, comparing, in the consistency service, the values of the attributes of the entity to values of reference attributes stored in the consistency service, and storing consistency validating information in the output means, said consistency validating information depending on the results of the comparison of the values of the attributes to the values of the reference attributes, wherein the different IT systems include any combination of a supervisory control and data acquisition system, a computerized maintenance management system, and a geographic information system (paar.112-117).

**Regarding claim 3**, Srinivasa teaches wherein the adapter for each of the IT systems allows communication between the consistency service and the IT systems such that a signal sent by the consistency service to verify the existence of a specific data set of an IT system can be sent back to the consistency service if that specific data set exists, the method further comprising the following step: the consistency service sending a signal to verify the existence of a specific data set of an IT system to the IT system holding the entity to be validated for consistency of attributes of the entity prior to reading the values of the attributes of the entity through the adapter of the IT system,

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and aborting the consistency validating of the entity if the signal is not being sent back to the consistency service (par.112-119).

**Regarding claim 4**, Srinivasa teaches logging failure of consistency validation if the signal is not being sent back to the consistency service by adding entity, which was to be validated for consistency, and the IT system, which was not replying to the signal, to a log file (par.112-119).

**Regarding claim 5**, Srinivasa teaches the consistency service checking communication to the IT system holding the data set to be verified prior to sending signal to verify the existence of the specific data set of that IT system (par.112-119).

**Regarding claim 6**, Srinivasa teaches a multitude of entities to be validated for consistency being loaded into the buffer of the consistency service, the consistency service successively processing the entities to be validated for consistency, sending out signals and storing consistency validating information in the output means (par.112-119).

**Regarding claim 7**, Srinivasa teaches A computer program product stored in a memory and when loaded into an internal memory of a digital computer, comprising computer program code means to make, when said program is loaded in the computer, the computer execute the method of claim 1 (par.139).

**Regarding claim 9**, Srinivasa teaches wherein the reference storage further holds entity types, to which each entity can be assigned, said entity types defining a list of available attributes of the entities (par.85-88).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**12. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasa, and further in view of Millet (7739359).**

**Regarding claims 2 and 10**, Srinivasa does not expressly disclose, however Millet teaches wherein a hash code is computed from the values of the attributes of the entity and compared to a reference hash code computed from the values of the reference attributes, and the values of the attributes are compared to the values of the reference attributes by comparing the computed hash codes (col.6, lines 40-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to verify consistency of configuration information using hash codes with the system of Srinivasa. One of ordinary skill in the art would have been motivated to perform such a modification to assure that no tampering or corruption has occurred (Millet, col.6-7).

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### **Conclusion**

13. **Examiner's Note:** A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). *In re: Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David García Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/  
Primary Examiner, Art Unit 2436